



Docket No.: OMY-0045
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hitoshi Mizuno et al.

Application No.: 10/536,867

Confirmation No.: 4580

Filed: May 27, 2005

Art Unit: 1793

For: PRESSURE-BUILDING DEVICE,
TRANSPORTATION VEHICLE, AND
PRESSURE DIFFERENCE-CONTROLLING
UNIT

Examiner: Zheng, L.L.

**PETITION UNDER 37 C.F.R. §1.47 TO ACCEPT DECLARATION WHEN INVENTOR
REFUSES TO JOIN IN APPLICATION**

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition requests that the Declaration of Hitoshi Mizuno, Narumi Ichikawa, Kazunori Suzuki, Koji Iyoda, Kenji Noguchi, and Tsuyoshi Abe be accepted, and that the above-identified application may be made by inventors Hitoshi Mizuno, Narumi Ichikawa, Kazunori Suzuki, Koji Iyoda, Kenji Noguchi, on behalf of themselves and the omitted inventor, Tsuyoshi Abe.

If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor. 35 U.S.C. §116. The oath or declaration in such an application must be accompanied by a Petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. 37 C.F.R. §1.47(a).

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Petition including proof of the pertinent facts

The invention of the above-identified application was jointly created by Hitoshi Mizuno, Narumi Ichikawa, Kazunori Suzuki, Koji Iyoda, Kenji Noguchi, and Tsuyoshi Abe while Mr. Abe was employed by Hoei Shokai Co., Ltd., and under written contract to assign any and all inventions developed in connection with that employment to Hoei Shokai Co., Ltd.

Provided along with this Petition is a Declaration for Power of Attorney of Patent Application executed on January 18, 2005 by inventors Hitoshi Mizuno, Narumi Ichikawa, Kazunori Suzuki, and Kenji Noguchi, and executed on January 20, 2005 by inventor Koji Iyoda. The Declaration Power of Attorney of Patent Application is unexecuted by inventor Tsuyoshi Abe.

Also provided along with this Petition is a Declaration under 37 C.F.R. § 1.132 executed on July 28, 2005 by Mr. Junichi Omori, a Japanese Patent Attorney with the firm of Minami Aoyama Patent and Trademark Attorneys (formerly Omori & Yaguchi), that submits proof of the diligent effort undertaken by Hoei Shokai Co., Ltd. in forwarding the application papers to Mr. Abe. As shown by the Declaration under 37 C.F.R. § 1.132, the application papers had been forwarded to Mr. Abe in seeking the execution by Mr. Abe of the unexecuted Declaration upon his review of the application papers. The Declaration under 37 C.F.R. § 1.132 additionally submits proof that the nonsigning inventor has received the application papers. Thus, the Declaration under 37 C.F.R. § 1.132 submits proof that the nonsigning inventor cannot be found or reached after diligent effort or refuses to execute an oath or declaration.

It has been established that an oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated. M.P.E.P. §409.03(a).

In this regard, inventors, Hitoshi Mizuno, Narumi Ichikawa, Kazunori Suzuki, Koji Iyoda, and Kenji Noguchi have executed the Declaration Power of Attorney of Patent Application while the signature block of the nonsigning inventor, Tsuyoshi Abe, has been left blank.

Fee set forth in §1.17(h)

Please charge Deposit Account No. 18-0013 in the amount of \$200.00 in payment of the Petition fee for other than a small entity. 37 C.F.R. §1.17(g).

Last known address of the nonsigning inventor

The last known address of the nonsigning inventor, Tsuyoshi Abe, is *Freiru Ayase 3-401, 4-3-12, Kosuge, Katsushika-ku, Tokyo 124-0001, Japan.*

Conclusion

Upon this petition and in view of the evidence submitted, it is requested that the Declaration of Hitoshi Mizuno, Narumi Ichikawa, Kazunori Suzuki, Koji Iyoda, Kenji Noguchi, and Tsuyoshi Abe be accepted, and that the application may be made by inventors Hitoshi Mizuno, Narumi Ichikawa, Kazunori Suzuki, Koji Iyoda, and Kenji Noguchi, on behalf of himself and the omitted inventor, Tsuyoshi Abe.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: July 23, 2008

Respectfully submitted,

By 
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